

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/692,580
Applicant : Boris S. Jacobson, et al.
Filed : October 24, 2003
T.C./A.U. : 2836
Examiner : Daniel J. Cavallari

Confirmation No.: 9035

Docket No. : RTN-183AUS
Customer No. : 33164

RESPONSE

MS Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement dated August 11, 2009, should this Restriction Requirement still be in effect and not be void, Applicants hereby elects Group 1 claims (Claims 1-33). If this Restriction Requirement dated August 11, 2009 is now void, then Applicants make no election of claims herein.

By way of further explanation, Applicants note that, in an Interview Summary issued on September 2, 2009 (based on a telephonic interview held on 8/25/09), and in a subsequent telephone conversation on September 4, 2009, between the Examiner and Applicant's representative, Marianne Downing, both the Interview Summary and the Examiner (in the telephone conversation) stated that the Restriction Requirement dated August 11, 2009 "will become void," and a Notice of Improper Request for RCE will be sent out. However, other than the statement in the Interview Summary, Applicants have not received any formal notice from the United States Patent and Trademark Office stating that the Restriction Requirement is now void. (Applicants did receive the Notice of Improper Request for RCE dated 9/4/2009.) Accordingly, based on the statements from the Examiner in the Interview Summary and the telephonic conversation, Applicants assume that the Restriction Requirement dated August 11, 2009 is, in fact, now void, and that this response to the Restriction Requirement is not required.

Should Applicants' understanding be incorrect, however, and the Restriction

Requirement is still in effect (i.e., is not yet void), Applicants hereby elect Claims 1-33, which Applicants intend to correspond to Group I. The Restriction Requirement included a request to identify the claims encompassing the elected species. Applicants identify claims 1-33 as encompassing the elected species Group 1, corresponding to FIG. 5 of the Application.

If the Examiner has any questions regarding this amendment or this application, he is respectfully invited to telephone the undersigning attorney.

The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845.

Respectfully submitted,

Dated: September 10, 2009

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